



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 6, 2000

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM:

Robert Raben

Assistant Attorney General

SUBJECT:

Weekly Report for March 6, 2000 - March 10, 2000

KEY ISSUES

House Commerce, Justice, State Appropriations: On March 8, you are scheduled to testify before the Commerce, Justice, State and the Judiciary Subcommittee (Rogers, Chair) of the House Appropriations Committee for a hearing on the Department's FY 2001 budget request.

Senate Commerce, Justice, State Appropriations: On March 7, the Senate Appropriations Subcommittee on Commerce, Justice, State and the Judiciary (Gregg, Chair) will hold a hearing on the FY 2001 budget. INS Commissioner Doris Meissner will testify on activities of the INS; on the same day, DEA's Acting Administrator Donnie Marshall will testify on behalf of the DEA.

Hearing on Cybercrime: On March 8, the Deputy Attorney General will testify before the Communications Subcommittee (Burns, Chair) of the Senate Commerce Committee on Cybercrime and recent "denial of service" attacks. (Daley)

Nominations: On March 2, the Senate Judiciary Committee approved the nomination of Randolph Moss, to be Assistant Attorney General for the Office of Legal Counsel; Julio Fuentes, to be a Judge on the United States Court of Appeals for the Third Circuit; and James Whittemore, to be a United States District Court Judge for the Middle District of Florida. The nomination of Bonnie Campbell to be a United States Circuit Judge for the Eighth Circuit was sent to the Senate on March 2. Acting DEA Administrator Donnie Marshall has courtesy visits with Senators Thurmond, Ashcroft and Feingold this week. We anticipate that the nominations of Marshal Berzon and Richard Paez, both to be Judges on the United States Circuit Court for the Ninth Circuit, will be brought up on the Senate floor on Tuesday or Wednesday of this week. We also, anticipate that the nomination of Timothy Dyk, to be a United States Circuit Judge for the Federal Circuit, will be brought up on the Senate floor this week. (Scott-Finan)

Civil Rights Legislative Priorities: The meeting between the Civil Rights Division and minority staff for the House Judiciary Committee to discuss the Division's legislative priorities, originally scheduled for March 6, has been postponed. We are working with Committee staff to set a new date. On March 14, Acting Assistant Attorney General Bill Lann Lee will meet with minority staff for the Senate Judiciary Committee to discuss the Division's legislative priorities. (Scott-Finan)

The Project on Government Oversight: On February 28, we provided documents from the Office of the United States Attorney in the Eastern District of Texas in response to a subpoena from the House Committee on Resources (Young, Chair) relating to a Qui Tam action under the False Claims Act filed by the Project on Government Oversight (POGO). Since the False Claims Act litigation is pending, we did not provide attorney work product documents that were generated in the course of the litigation and documents that remain under seal in the litigation. Committee staff report that virtually nothing remains under seal at this point; attorneys in the Office of the United States Attorney are rechecking with the Court about documents that may be under seal. (Burton)

THE WEEK AHEAD

Drugs in California: On March 6, the Criminal Justice, Drug Policy and Human Resources Subcommittee (Mica, Chair) of the House Government Reform Committee will hold a field hearing on the drug crisis in Woodland, California. U.S. Attorney Paul Seave, DEA Special Agent in Charge Gilbert Bruce, and the Executive Director of the HIDTA will testify. (Scott-Finan)

Takings: On March 8, the House Judiciary Committee (Hyde, Chair) plans to continue markup of H.R. 2372, the Private Property Rights Implementation Act. The Office of Legislative Affairs sent a letter to the Subcommittee on the Constitution (Canady, Chair) this past September stating that you would recommend the President veto H.R. 2372 if it passed in its present form. (Pearlman)

Asbestos Compensation Legislation: The House Judiciary Committee is scheduled to begin markup of the Asbestos Compensation Legislation, H.R. 1283, on March 8. We are in the final stages of drafting a letter opposing the legislation in its current form. (Wilson)

Internet Gambling: On March 9, Kevin V. DiGregory, Deputy Assistant Attorney General, Criminal Division, will testify before the House Judiciary Subcommittee on Crime (McCollum, Chair) on Internet gambling and the challenges that law enforcement faces. The Subcommittee recently reported H.R. 3125, the Internet Gambling Prohibition Act, out of Subcommittee and expects the full Committee to take it up shortly after the hearing. In preparation for the hearing, staff from the Office of Legislative Affairs and the Criminal Division met with the Crime Subcommittee staff on March 1 to discuss the legislation. (Daley)

Civil Asset Forfeiture Reform Legislation: Department staff continue to meet with staff for Chairman Hatch and Senators Leahy, Sessions and Schumer, regarding the civil asset reform legislation in an attempt to work out differences between competing bills. The bill, H.R. 1658, is scheduled for markup on March 9. (Daley)

Fetal Tissue Hearing: On March 9, the Health and Environment Subcommittee (Bilirakis, Chair) of the House Commerce Committee has scheduled a hearing on whether fetal tissue is being bought or sold. (First/Ho)

Vaccines: On March 9, staff from the Office of Legislative Affairs will meet with staff of the House Government Reform's Subcommittee on Criminal Justice, Drug Policy and Human Resources (Mica, Chair) to discuss proposed changes to the Vaccine Injury Compensation Program. (Pearlman)

International Postal Regulations Hearing: On March 9, the Postal Subcommittee of the House Government Reform Committee (McHugh, Chair) will hold a hearing on U.S. Government efforts to promote competition in international postal service arrangements. Among several federal government witnesses will be Donna Patterson, Deputy Assistant Attorney General of the Antitrust Division. (Slover)

Native American Issues: This week, on March 9 and 10, staff from the Office of Legislative Affairs, the Environment and Natural Resources Division, Department of the Interior and the Pueblo of Sandia will meet with Congressmen Skeen and Udall to brief them on the proposed settlement of the Pueblo of Sandia's land claim and discuss ratifying legislation. (Pearlman)

Radiation Exposure Compensation Act (RECA): On March 10, staff from the Office of Legislative Affairs and Department attorneys who administer the Radiation Exposure Compensation Program will meet with staff of the House Judiciary Committee's Subcommittee on Immigration and Claims (Smith, Chair) to discuss S. 1515, a bill that would amend the Radiation Exposure Compensation Act. The Department has serious concerns about this legislation, which passed the Senate on November 19, 1999. (Pearlman)

THE WEEK IN REVIEW

Bankruptcy: Conferees still have not been named. It is our understanding that Senate staffers have met among themselves; however, House staffers have not. The Department has been cleared to begin drafting a letter that will include items of importance to the Department that were not included in the Administration's letter. (Wilson)

Los Angeles Police Department: On March 3, staff from the Civil Rights Division and the Office of Legislative Affairs met with staff for Congresswoman Roybal-Allard and Congressmen Dixon and Becerra about the Los Angeles Police Department. (Scott-Finan)

Online Pharmacies: On March 2, staff from the Office of the Associate Attorney General and the Office of Legislative Affairs met with House Commerce Committee staff to discuss enforcement of laws related to online pharmacies and to update them on current enforcement efforts and to discuss possible legislative activity. (Owen)

Antitrust Meeting: On March 2, Joel Klein, Assistant Attorney General, Antitrust Division, met informally with Senators Mike DeWine, Chairman, and Herb Kohl, Ranking Minority Member of the Senate Antitrust Subcommittee, for a general discussion. Both have been very supportive of the Antitrust Division's work. (Slover)

Worse Case Scenario: On March 1, staff from the Office of Legislative Affairs and the Office of the Deputy Attorney General briefed the staff of Senator Inhofe of the Environment and Public Works Committee on the status of enforcement of the Chemical Safety Information, Site Security and Fuels Relief Act (P.L. 106-40). (Daley)

Traffic Stops Statistics Study Act of 1999: On March 1, the House Judiciary Committee approved H.R. 1443, the Traffic Stops Statistics Study Act of 1999, with no amendments, by voice vote. The Act

requires the Attorney General to conduct a nationwide study of stops for traffic violations by law enforcement officers through an initial analysis of existing data and through the gathering of additional data. Further, the Act requires that the Attorney General report the results of the Department's findings to Congress. (Ho)